

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Regular Session

March 19, 2001  
8:00 p.m.

Council Chambers  
Bellevue, Washington

PRESENT: Mayor Mosher, Deputy Mayor Marshall, Councilmembers Creighton, Davidson, Degginger, Lee, and Noble

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:13 p.m. by Mayor Mosher, who presided.

2. Roll Call, Flag Salute

Upon roll call by the City Clerk, all Councilmembers were present. Dr. Davidson led the flag salute.

(a) Presentation by Nisei Veterans Committee

Arlene Oki, representing the Nisei Veterans Committee, thanked Council for supporting the renaming of the U.S. District Courthouse for Western Washington after Private First Class William K. Nakamura. She said the bill was passed and the dedication ceremony is scheduled for Monday, March 26. Ms. Oki said this is the only court house in the United States named after a Japanese-American. She announced a community celebration to recognize Medal of Honor recipients in Washington, including Mr. Nakamura, on Sunday, March 25, at Seattle Center's Mercer Arena.

Paul Hosoga thanked Council for supporting the renaming of the court house. Despite discrimination and his family's internment during World War II, William K. Nakamura joined the segregated 442<sup>nd</sup> Regimental Combat Team to serve his country. Mr. Hosoga, a former member of Company F, 2<sup>nd</sup> Battalion, 442<sup>nd</sup> Regimental Combat Team, a special agent with the Army Counterintelligence Corps for 15 years, and a past commander of the Seattle Nisei Veterans Association, thanked Council for helping to acknowledge the service of veterans, particularly veterans of Japanese-American ancestry. March 25 is National Medal of Honor Day. Mr. Hosoga invited Council and the public to attend the National Medal of Honor ceremony at Mercer Arena, 1:30 p.m. on Sunday.

Ms. Oki and Mr. Hosoga presented copies of the renaming bill signed by President Clinton to Councilmember Degginger, who sponsored Bellevue's resolution regarding the renaming, and to the City of Bellevue.

(b) Recognition of Community Leaders

Mayor Mosher commended a group of West Lake Sammamish citizens who helped foster community support of the area's annexation into Bellevue. He thanked them for their efforts to talk with residents individually and encouraged continued community involvement in local government issues. Mr. Mosher thanked Ron Matthew for sharing his knowledge and working with the community in the annexation effort.

3. Communications: Written and Oral

Mayor Mosher noted that Council cannot take public testimony regarding quasi-judicial matters including the Hunter Rezone, the Open Window School Conditional Use Permit application/appeal, and the Conditional Use Permit application for the Iman mosque.

Jerome Roaché, Assistant City Attorney, explained the rules for quasi-judicial land use proceedings, which are applications for land use approvals in which the City Council makes a decision as to the rights of the interested parties under the City's regulations. In those situations, the Council must act as judges and maintain fairness and impartiality. If members of the public wish to write, email, or leave a voicemail message about these or other land use applications currently pending before the Council, they should send these communications to the City Clerk, Myrna Basich. All such communications must be received by the City Clerk by 1:00 p.m. on the Wednesday before the Council meeting at which the matter will be discussed. This allows the City Attorney to review the materials to ensure they comply with Council rules. Under the Council's rules, a Councilmember will not be able to discuss these pending applications with the public.

- (a) Jan Woldseth, a member of the Issaquah School Board, requested Council's support of Agenda Item 11(a), which will decrease school impact fees for future home purchases.
- (b) Judy LePlante discussed concerns regarding pedestrian safety on Newport Way near Tyee Middle School. She suggested City staff install pedestrian crossing signs in the area to alert motorists.
- (c) Brian Lent said AT&T has failed to provide upgraded facilities and enhanced Internet access in Bellevue. He read excerpts of his recent letter to Council which describes his relocation to Bellevue from the Silicon Valley to help develop technology companies in this area. He is considering the relocation of his business from Bellevue in order to achieve better Internet access. He noted that he spoke with Senator Maria Cantwell's staff, who indicated a willingness to address the matter through the FCC if requested by the City.

- (d) Betsy Blackstock referenced Agenda Item 8(k) to extend existing residential permit parking zones. She brought in garbage collected near her Surrey Downs residence and described high-school students parking in and littering the area. One item was a Coke can that Ms. Blackstock said has been used as a marijuana pipe.

Mayor Mosher asked staff to report this complaint to the Police Department.

- (e) Jerina Minihan, a resident of the same neighborhood, presented similar complaints about parking and littering by high school students on a private lane that connects to SE 11<sup>th</sup> Street. She asked Council to approve Agenda Item 8(k) regarding permit parking.
- (f) Larry Goodrich, a third citizen from the Surrey Downs neighborhood, said he is not so bothered by the littering. However, he is very concerned that emergency response vehicles will not be able to access homes on the narrow lane when cars are parked on both sides of the road.
- (g) Mark Gregoire said he had a question regarding Open Window School, and Mayor Mosher advised him to speak with the City Attorney.

4. Reports of Community Councils, Boards and Commissions

Diana Thompson, Chair of the Human Services Commission, thanked Council for approving additional human services funding in the last budget cycle. Ms. Thompson said the Commission is preparing a letter to Council regarding three items: 1) a proposed reduction in state funding for dental care for low-income adults, 2) modification of Washington Work First program rules regarding the age of a child when a parent must return to work, and 3) a proposed revision in the formula under which the state allocates mental health funding.

Ms. Thompson provided an update on two programs funded by Bellevue. The Adelle Maxwell Day Care Center provides nursing staff on a part-time basis as well as counseling services for children. The Center will begin providing child care services until 10:30 p.m. in late March. Ms. Thompson noted Council's prior approval of funds to provide adult dental care services. She explained that the North and East King County Dental Coalition has been selected to provide mobile dental services, referral assistance, and a program to identify dentists willing to offer free services in their offices for low-income citizens.

5. Report of the City Manager: None.

6. Council Business

Councilmembers provided their reports in the earlier Study Session.

Mayor Mosher requested Council's consideration of recommended reappointments to Bellevue Boards and Commissions.

- Mr. Noble moved to approve the recommended reappointments: Howard Donkin to the Arts Commission, Steve Szablya to the Environmental Services Commission, and Leslie Stuart to the Parks and Community Services Board. Mr. Lee seconded the motion.
- The motion to approve reappointments to the Arts Commission, Environmental Services Commission, and Parks and Community Services Board carried by a vote of 7-0.

7. Approval of the Agenda

- Mrs. Marshall moved to approve the agenda, and Mr. Noble seconded the motion.
- The motion to approve the agenda carried by a vote of 7-0.

8. Consent Calendar

Mrs. Marshall requested pulling item 8(q) from the Consent Calendar.

- Mrs. Marshall moved to approve the Consent Calendar, as amended, and Mr. Lee seconded the motion.
- The motion to approve the amended Consent Calendar carried by a vote of 7-0, and the following items were approved:
  - (a) Minutes of February 20, 2001 Study Session  
Minutes of February 20, 2001 Regular Session  
Minutes of February 26, 2001 Extended Study Session  
Minutes of March 5, 2001 Study Session  
Minutes of March 5, 2001 Regular Session
  - (b) Motion to approve payment of claims for the period ending March 9, 2001, and payroll for the period February 16 through February 28, 2001.
  - (c) Resolution No. 6519 authorizing execution of a professional services agreement with DECCAN INTL in the amount of \$80,500 to provide deployment software, training, documentation, and system maintenance to the Fire Department for use in analyzing deployment options.
  - (d) Resolution No. 6520 authorizing execution of a collective bargaining agreement with the International Brotherhood of Electrical Workers, Local 77, representing traffic signal and electronic communication employees, effective January 1, 2001, through December 31, 2003.
  - (e) Resolution No. 6521 authorizing execution of a contract with Triathlon LTD in the amount of \$156,000 for the purchase of high resolution color digital orthophoto images, digital terrain elevation data, and contour information.

- (f) Resolution No. 6522 authorizing execution of an agreement with Selectron, Inc. in the amount of \$83,405 to provide interactive voice and touch-tone telephone (IVR system) access for building permit inspection requests.  
*(All elements were reviewed and recommended by the Construction Code Advisory Committee.)*
- (g) Motion to award Bid No. 0110 for installation of concrete curb, gutter, and sidewalk along the west side of 156<sup>th</sup> Avenue SE, north of Lake Hills Boulevard SE, in the amount of \$56,466 to A-1 Landscaping and Construction, Inc. as low bidder. This project was selected by the residents of the West Lake Hills neighborhood through the Neighborhood Enhancement Program voting process. (CIP Project Nos. NEP-1 and PW-W/B-56)
- (h) Motion to award Bid No. 0113 for installation of a traffic calming plan consisting of two landscaped medians and a raised crosswalk on 171<sup>st</sup> Avenue SE north of Lakemont Boulevard SE in the amount of \$61,990 to Ortiz Construction, Inc. as low bidder to address neighborhood concerns regarding vehicle speeds and non-local traffic. (CIP Project No. PW-M-7)
- (i) Resolution No. 6523 authorizing execution of an agreement with Sound Transit for purposes of negotiating and acquiring rights-of-way and easements between Main Street and NE 6<sup>th</sup> Street for the realignment of 114<sup>th</sup> Avenue NE and conveying the acquired rights to the City as part of the I-405/Bellevue Downtown Access Project, which will provide necessary space for the HOV/Direct Access Interchange improvements.
- (j) Bellevue Transportation Center Expansion
  - (1) Ordinance No. 5279 amending the 2001-2007 Capital Investment Program Plan by appropriating \$6,896,000 for funds received from the Transportation Improvement Board, Federal Highway Administration, and Sound Transit; adding a new project, CIP Plan No. PW-R-142, Bellevue Transportation Center Expansion; and amending the project budgets for CIP Project Nos. PW-I-46, I-405/Bellevue Downtown Access Project, and PW-R-142, Bellevue Transportation Center Expansion, by appropriating additional funds received in excess of estimated revenues.
  - (2) Resolution No. 6524 authorizing execution of an agreement with Sound Transit for the purpose of advertising, awarding and managing a construction contract for Stage One of the Transit Center Expansion, CIP Project No. PW-R-142, and NE 6<sup>th</sup> Street roadway improvements that are part of CIP Project No. PW-I-46, I-405/Bellevue Downtown Access Project.
- (k) Ordinance No. 5280 amending Ordinance No. 3935 as last amended by Ordinance No. 5015, extending the existing Residential Permit Parking Zone 3 on selected

streets with “No Parking 7am to 4pm, Except Saturday, Sunday and Holidays, Except by Zone 3 Permit” to include SE 3<sup>rd</sup> Street from 108<sup>th</sup> Avenue SE, west to the end of the cul-de-sac, and SE 11<sup>th</sup> Street, east of 108<sup>th</sup> Avenue SE to the residence at 1038 109<sup>th</sup> Avenue SE.

- (l) Ordinance No. 5281 amending Ordinance No. 4632 as last amended by Ordinance No. 4768, extending the existing Zone 9 Residential Permit Parking Zone with a “1 Hour Parking 8am-9pm Daily, except by Zone 9 Permit” to include 97<sup>th</sup> Avenue NE, north of NE 5<sup>th</sup> Street.
- (m) Ordinance No. 5282 establishing parking restrictions on 112<sup>th</sup> Avenue SE; providing for No Parking Anytime on both sides of 112<sup>th</sup> Avenue SE from Bellevue Way SE to the residence at 2805, and providing for a Residential Permit Parking Zone, 7am to 5pm, Monday through Friday, except by permit on both sides of 112<sup>th</sup> Avenue SE from the residence at 2805, south to SE 30<sup>th</sup> Street.
- (n) Ordinance No. 5283 providing for updates to Bellevue City Code sections relating to speed limits; amending Section 2 of Ordinance No. 4239 as last amended by Section 1 of Ordinance No. 5143 and Section 11.32.020 of the Bellevue City Code; amending Section 3 of Ordinance No. 4239 as last amended by Section 1 of Ordinance No. 5148 and Section 11.32.022 of the Bellevue City Code; and amending Section 4 of Ordinance No. 4239 as last amended by Section 3 of Ordinance No. 5143 and Section 11.32.024 of the Bellevue City Code.
- (o) Ordinance No. 5284 providing for updates to the Truck Route Ordinance due to street name changes and street extensions; amending Section 1 of Ordinance No. 3596 as last amended by Ordinance No. 5140 and Chapter 11.70.060 of the Bellevue City Code.
- (p) Ordinance No. 5285 providing for the issuance and sale of a bond for Local Improvement District No. 277, NE 4<sup>th</sup> Street between 100<sup>th</sup> Avenue NE and 112<sup>th</sup> Avenue NE, in the principal sum of \$120,404.02; fixing the interest rate on assessments in Local Improvement District No. 277 and authorizing the City’s Guaranty Fund to purchase the bond.

Item for Council Discussion:

- (q) Motion to award Bid No. 0107 for replacement of concrete cylinder pipes on NE 8<sup>th</sup> Street (16100-16400 block) as seismic upgrade in the amount of \$485,504.99 to Mid-Mountain Contractors, Inc. as low bidder. (CIP Project Nos. W-85 and W-69)

Mrs. Marshall said she would like to postpone this item for two weeks. She asked staff to provide a report for Council addressing whether this contractor meets the criteria of Bellevue City Code Section 4.28.190 as the lowest responsible bidder. Mrs. Marshall and other

Councilmembers have received citizen complaints about the quality of work and alleged property damage caused by this contractor in connection with the Newport Way project.

- ➡ Mrs. Marshall moved to postpone consideration of Bid No. 0107 to the April 2 Regular Session, and Mr. Degginger seconded the motion.

City Manager Steve Sarkozy said staff will provide a full report and recommendation for Council action.

- ➡ The motion to postpone consideration of Bid No. 0107 to the April 2 Regular Session carried by a vote of 7-0.

Mayor Mosher noted for the audience that approval of the Consent Calendar included approval of proposed parking restrictions in some areas of the city.

9. Public Hearings: None.

10. Land Use

- (a) Ordinance No. 5286 reclassifying property located at 2008-2010 Kamber Road and 2128-2130 140<sup>th</sup> Place SE from R-2.5 to R-5 upon application of Charles Hunter et al, and known as the Hunter Rezone.

Planning and Community Development Director Matt Terry provided a brief staff report. The application of Charles Hunter and others to reclassify specific property on Kamber Road and 140<sup>th</sup> Place SE from R-2.5 to R-5 zoning follows a Comprehensive Plan Amendment previously passed by City Council. This rezone will bring the property into compliance with the Comprehensive Plan designation of the property. The Hearing Examiner recommended approval of the rezone request with several conditions, which are contained in the Examiner's report. An appeal of the Determination of Non-Significance (DNS) issued on the property was denied by the Hearing Examiner. The appeal focused on nearby environmentally sensitive areas. Staff's opinion is that sensitive area impacts will be adequately addressed by the proposal.

- ➡ Dr. Davidson moved to adopt Ordinance No. 5286, and Mrs. Marshall seconded the motion.

- ➡ The motion to adopt Ordinance No. 5286 carried by a vote of 7-0.

- (b) Ordinance No. 5287 denying appeal of a Conditional Use Permit, with conditions, on the Application of the Board of Trustees of Open Window School, Application No. 99-2242-LB, for a school to be located at 6128 168<sup>th</sup> Place SE in the City of Bellevue, and granting the Conditional Use Permit with additional conditions.

Mayor Mosher reminded the public that Council rules and state law prohibit communications from parties to the appeal except during an open Council meeting. Mr. Mosher and other Councilmembers received letters at their homes dated March 13 from the Cougar Mountain

Residents Association. The City Attorney informed the Council that the letter contains information not found in the City's record. Mr. Mosher said Council rules require that all communications should be submitted to the City Clerk for review by the City Attorney. Mr. Mosher did not read the March 13 letter he received and turned it over to the City Clerk.

City Attorney Richard Andrews said he spoke with a member of the Cougar Mountain Residents Association. She indicated the intent of the letter was to inquire about a procedural matter and not to discuss substantive issues. Mr. Andrews said a procedural request is allowed under Council rules.

There was Council consensus to allow the Cougar Mountain Residents Association to present its request. Jo-Ellen Smith, Treasurer of the Association, said Council's consideration of this matter did not address specific conditions of the Conditional Use Permit. She said some Councilmembers indicated that additional conditions would be warranted to mitigate the impacts of the school on the neighborhood, particularly traffic impacts. Ms. Smith said the Association has submitted 16 additional conditions to address traffic mitigation. She asked Council to consider setting a date for the discussion of additional conditions prior to voting on the proposed ordinance. Ms. Smith asked that the limited public hearing be reopened to discuss additional conditions and to allow further written submissions regarding the conditions. She thanked Council for allowing her to present this request.

Dr. Davidson said Council has reviewed the list of conditions and fully studied the matter. He suggested moving forward to resolve the issue tonight, and Mrs. Marshall concurred.

Mr. Andrews said the ordinance provided in the Council packet contains the Hearing Examiner's conditions as well as the condition initiated by Council to accept \$5,000 from the applicant toward the installation of a traffic signal. At Council's request, Mr. Andrews said staff reviewed the record and developed additional possible conditions for Council's consideration.

☞ Dr. Davidson moved to adopt Ordinance No. 5287, and Mr. Lee seconded the motion.

Deputy Mayor Marshall feels Hearing Examiner Condition 6 should be revised to conform to the Examiner's intent, which is that subsections (a) through (l) of that condition apply at all times, not just during weekend and evening periods and when snow is present. She said staff's memo dated March 14 indicates the applicant has volunteered to accept such a change, as well as other changes in that condition that will clarify its intent.

→ Mrs. Marshall moved to amend the main motion to accept the applicant's offered modification to Hearing Examiner Condition 6, as described in item A.1 on pages 1 and 2 of the staff memo dated March 14, 2001, and to add further findings and conclusions and a modified Condition 6. Mr. Creighton seconded the motion.

Mr. Degginger proposed a friendly amendment that would impose a condition requiring quarterly, rather than annual, mailings of the school events calendar to residents. Mrs. Marshall said she would accept the amendment if agreeable to the school.



Dan Vradenburg, Chair of the Open Window School Board of Trustees, said an annual calendar is prepared every March/April for the coming year. He said the school focuses on notifying the community about events involving larger groups of people rather than noting every meeting that might only involve a few people.

Dr. Davidson feels the requirement for advance notice of evening and weekend school events involving more than 100 people, along with an annual calendar mailing, is sufficient to address any concerns. Mr. Degginger withdrew his friendly amendment.

In response to Mr. Noble, Mr. Andrews confirmed that Mrs. Marshall's amendment obligates the school to mail an annual schedule of school events to residents and to provide 14-day advance notice for any additional events involving 100 or more people.

In response to Mr. Lee, Mr. Vradenburg nodded to indicate agreement with the proposed condition.

- The motion to amend the main motion to accept the applicant's offered modification to Hearing Examiner Condition 6, as described in item A.1 on pages 1 and 2 of the staff memo dated March 14, 2001, and to add further findings and conclusions and a modified Condition 6, carried by a vote of 7-0.

Mrs. Marshall said the Cougar Mountain Residents Association has requested that Condition 6 be further amended to allow the school to permit the use of school facilities for neighborhood activities. She said Comprehensive Plan Policies PA-14, -15, -16, and -17 encourage partnerships with nonprofit agencies and school districts to utilize school sites for recreation, meeting space, athletic instruction, and special activities.

- Mrs. Marshall moved to further amend Hearing Examiner Condition 6 so that the first sentence reads: "To control potential weekend and evening use of the school facilities by the school or a community group, and related traffic impacts to the community, all such activities shall be limited to Open Window School functions unless Open Window School, in its sole discretion, opens its facilities to use for neighborhood activities."

In response to Mrs. Marshall, Mr. Vradenburg said the school will accept this amendment.

The motion was seconded by Councilmember Lee.

- The motion to further amend Hearing Examiner Condition 6 so that the first sentence reads: "To control potential weekend and evening use of the school facilities by the school or a community group, and related traffic impacts to the community, all such activities shall be limited to Open Window School functions unless Open Window School, in its sole discretion, opens its facilities to use for neighborhood activities" carried by a vote of 7-0.

Mr. Noble said Councilmembers have reviewed staff's list of potential additional conditions that could be imposed, as well as legal opinions that address the appropriateness and relevance of the potential conditions. He is not interested in considering any additional conditions.

Mr. Lee said Council is ready to proceed. He feels it is unfortunate that this matter has pitted neighbors against each other, and he encouraged the community to continue working together.

Mr. Degginger commented that Council has struggled with this decision and will continue to monitor the project with due diligence.

☛ The motion to adopt Ordinance No. 5287 carried by a vote of 7-0.

11. Other Ordinances, Resolutions and Motions

- (a) Ordinance No. 5278 updating the school impact fee schedule for Issaquah School District No. 411; amending Section 22.18.100 of the Bellevue City Code.  
*(The impact fees of future home buyers in the Issaquah School District will be reduced as a result of updating the impact fee schedule. The proposed fee for each single-family unit would be reduced from \$6,131 to \$4,658, and the proposed fee for each multifamily unit would be reduced from \$1,412 to \$732.)*

Councilmember Noble said he represents the Issaquah School District as an attorney on some issues and recused himself from consideration of this item.

Mr. Terry described the Issaquah School District's request to amend school impact fees based on an annual facility plan update. City staff's review of the impact fee schedule found the fees to be consistent with calculations contained in the school district's Capital Facility Plan. Mr. Terry said staff recommends approval of the reduced impact fees.

In response to Mr. Degginger, Doug Snyder of the Issaquah School District said the 1998 bond provided funds to expand Sunset Elementary and Issaquah Valley by 150 seats in addition to the portable classrooms already in use. He said the community is currently going through a process to evaluate a population adjustment between Sunset and Cougar Ridge Elementary Schools. Mr. Degginger noted that expansion of Sunset Elementary is listed in ISD's Capital Facility Plan and asked when this will occur. Mr. Snyder said expansion of the school is one option under consideration by the school board. In further response, Mr. Snyder said impact fees collected from Bellevue residents have been used to fund schools outside of the Bellevue residence feeder system because it was necessary to create capacity across the entire system. This allowed Bellevue residents to continue to attend schools in their neighborhoods. Mr. Snyder said portable classrooms at Cougar Ridge and Sunset Schools were partially funded by Bellevue residents' impact fees.

Mrs. Marshall noted Mr. Snyder's upcoming retirement and thanked him for his service to the community.

- ➡ Mrs. Marshall moved to adopt Ordinance No. 5278, and Mr. Degginger seconded the motion.

In response to Mr. Lee, Mr. Snyder said Bellevue impact fees will be applied toward projects identified in the 1998 bond measure (expansion of Sunset and Issaquah Valley Schools and construction of an additional middle school) as these projects occur.

Dr. Davidson is opposed to school impact fees, which he sees as improper and double taxation.

As a parent of two children who attend Issaquah schools, Mr. Degginger said he is impressed with the quality of education provided. He urged the school district to use at least a portion of impact fee proceeds to benefit schools located in Bellevue.

Mr. Creighton dislikes impact fees in general but understands that such fees are one of the few mechanisms available to school districts for funding capital improvements.

- ➡ The motion to adopt Ordinance No. 5278 carried by a vote of 5-1, with Dr. Davidson dissenting and Mr. Noble not voting.

- 12. Unfinished Business: None.
- 13. Continued Oral Communications: None.
- 14. New business: None.
- 15. Executive Session: None.
- 16. Adjournment

At 9:29 p.m., Mayor Mosher declared the meeting adjourned.

Myrna L. Basich  
City Clerk

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